

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORDER

AND NOW, this 29th day of July, 2010, upon consideration of Plaintiff's Second Amended Complaint [Doc. No. 17], FDC Defendants' Motion to Dismiss [Doc. No. 20], Defendant Reynolds's Motion to Dismiss Second Amended Complaint of Plaintiff Peter Bistrian [Doc. No. 18], Defendant United States' Motion to Dismiss [Doc. No. 21], Plaintiff's Memorandum of Law in Opposition [Doc. No. 24], Defendants' reply briefs, and for the reasons stated in the attached Memorandum Opinion, it is hereby **ORDERED** that:

- 1) FDC Defendants' Motion to Dismiss is **GRANTED** in part, **DISMISSED** in part. Counts VI-IX are dismissed, and Counts I-V and X remain;
- 2) Defendant Reynolds's Motion to Dismiss is **GRANTED** in part, **DISMISSED** in part. Count IX is dismissed, and Count IV remains;
- 3) Defendant United States' Motion to Dismiss is **GRANTED**. Counts XII-XIX are dismissed; and
- 4) Count XI is **DISMISSED** by consent of Plaintiff.

It is so ORDERED.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.